



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 516-97
28 September 1999

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy, filed enclosure (1) with this Board requesting, in effect, that the record be corrected to show that he received the Kuwait Liberation Medal and a better reenlistment code.

2. The Board, consisting of Ms. Hare, Ms. McCormick, and Mr. Whitener, reviewed Petitioner's allegations of error and injustice on 14 September 1999 and, pursuant to its regulations, determined that the partial corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Enclosure (1) was filed in a timely manner.

c. Petitioner enlisted in the Navy on 13 May 1988 and served without disciplinary actions, although he did have a two day period of unauthorized absence (UA) in August 1988. He was advanced to OS3/E-4 in September 1989 and received a Good Conduct Medal in May 1992.

d. Petitioner has submitted an enlisted performance evaluation for the period from 20 April 1992 to 23 February 1993

in which he received an overall average of 3.8 and was highly recommended for retention and advancement.

e. On 12 May 1993 Petitioner was honorably released from active duty and transferred to the Naval Reserve. At this time he was also assigned an RE-4 reenlistment code.

f. An advisory opinion (AO) from the Awards and Special Projects Branch (OP09B33) in the Office of the Chief of Naval Operations (CNO), recommends that Petitioner's request for a Kuwait Liberation medal be denied because his transit through the Eastern Mediterranean during Operation PROVIDE COMFORT did not qualify him for the medal.

g. An RE-1 reenlistment code may be assigned to individuals honorably released from active duty and transferred to the Naval Reserve. An individual separated for this reason may also receive an RE-4 reenlistment code, which means that the individual is not recommended for reenlistment.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants partial favorable action.

The Board notes that Petitioner served satisfactorily and without disciplinary infraction, advanced in rate, was awarded a Good Conduct Medal, and was highly recommended for retention and advancement. The Board also notes that Petitioner's record does not contain any persuasive evidence to support the assignment of an RE-4 reenlistment code. The Board notes the two day period of UA but notes that it occurred early in his enlistment and did not result in disciplinary action. The Board further notes that an RE-1 reenlistment code is authorized by regulatory guidance and may be assigned to an individual who is honorably released from active duty and transferred to the Naval Reserve, and concludes that RE-1 is the most appropriate reenlistment code for Petitioner's situation.

The Board also substantially concurred with the comments contained in the AO, which noted, in part, that Petitioner's transit through the Eastern Mediterranean during Operation PROVIDE COMFORT does not qualify him for the Kuwait Liberation medal.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was assigned an RE-1 reenlistment code on 12 May 1993 vice the RE-4 reenlistment code actually assigned on that date.

b. That no further relief be granted.

c. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed, or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

d. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purposes, with no cross references being made a part of Petitioner's naval record.

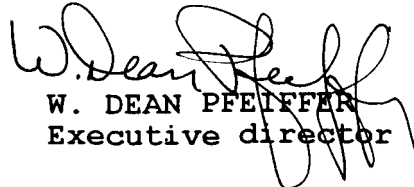
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER
Executive director